

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1526 Session of
1979

INTRODUCED BY HASAY, CALTAGIRONE, MOEHLMANN, LEHR, COSLETT AND
PERZEL, JUNE 20, 1979

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 21, 1979

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further defining "retail dispenser" and providing for sales
18 of malt or brewed beverages for consumption off the premises.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. The definition of "retail dispenser" in section
22 102, subsection (a) of section 401 and section 407, act of April
23 12, 1951 (P.L.90, No.21), known as the "Liquor Code," are
24 amended to read:

25 Section 102. Definitions.--The following words or phrases,
26 unless the context clearly indicates otherwise, shall have the

1 meanings ascribed to them in this section.

2 * * *

3 "Retail dispenser" shall mean any person licensed to engage
4 in the retail sale of malt or brewed beverages for consumption
5 on the premises of such licensee, with the privilege of selling
6 malt or brewed beverages in quantities not in excess of one
7 hundred forty-four fluid ounces in a single sale to one person,
8 or not in excess of one hundred ninety-two fluid ounces
9 consisting of two six-packs of sixteen fluid ounce containers in
10 a single sale to one person, to be carried from the premises by
11 the purchaser thereof.

12 * * *

13 Section 401. Authority to Issue Liquor Licenses to Hotels,
14 Restaurants and Clubs.--(a) Subject to the provisions of this
15 act and regulations promulgated under this act, the board shall
16 have authority to issue a retail liquor license for any premises
17 kept or operated by a hotel, restaurant or club and specified in
18 the license entitling the hotel, restaurant or club to purchase
19 liquor from a Pennsylvania Liquor Store and to keep on the
20 premises such liquor and, subject to the provisions of this act
21 and the regulations made thereunder, to sell the same and also
22 malt or brewed beverages to guests, patrons or members for
23 consumption on the hotel, restaurant or club premises. Such
24 licensees, other than clubs, shall be permitted to sell malt or
25 brewed beverages for consumption off the premises where sold in
26 quantities of not more than one hundred forty-four fluid ounces
27 in a single sale to one person, or where sold in quantities of
28 not more than one hundred ninety-two fluid ounces consisting of
29 two six-packs of sixteen fluid ounce containers in a single sale
30 to one person. Such licenses shall be known as hotel liquor

1 licenses, restaurant liquor licenses and club liquor licenses,
2 respectively. No person who holds, either by appointment or
3 election, any public office which involves the duty to enforce
4 any of the penal laws of the United States of America or the
5 penal laws of the Commonwealth of Pennsylvania or any penal
6 ordinance or resolution of any political subdivision of this
7 Commonwealth shall be issued any hotel or restaurant liquor
8 license, nor shall such a person have any interest, directly or
9 indirectly, in any such license.

10 * * *

11 Section 407. Sale of Malt or Brewed Beverages by Liquor
12 Licensees.--Every liquor license issued to a hotel, restaurant,
13 club, or a railroad, pullman or steamship company under this
14 subdivision (A) for the sale of liquor shall authorize the
15 licensee to sell malt or brewed beverages at the same places but
16 subject to the same restrictions and penalties as apply to sales
17 of liquor, except that licensees other than clubs may sell malt
18 or brewed beverages for consumption off the premises where sold
19 in quantities of not more than one hundred forty-four fluid
20 ounces in a single sale to one person, or where sold in
21 quantities of not more than one hundred ninety-two fluid ounces
22 consisting of two six-packs of sixteen fluid ounce containers in
23 a single sale to one person. No licensee under this subdivision
24 (A) shall at the same time be the holder of any other class of
25 license, except a retail dispenser's license authorizing the
26 sale of malt or brewed beverages only.

27 Section 2. Subsection (a) of section 442 of the act, amended
28 October 9, 1967 (P.L.413, No.183), is amended to read:

29 Section 442. Retail Dispensers' Restrictions on Purchases
30 and Sales.--(a) No retail dispenser shall purchase or receive

1 any malt or brewed beverages except in original containers as
2 prepared for the market by the manufacturer at the place of
3 manufacture. The retail dispenser may thereafter break the bulk
4 upon the licensed premises and sell or dispense the same for
5 consumption on or off the premises so licensed: Provided,
6 however, That no retail dispenser may sell malt or brewed
7 beverages for consumption off the premises in quantities in
8 excess of the one hundred forty-four fluid ounces, except where
9 sold in quantities of not more than one hundred ninety-two fluid
10 ounces consisting of two six-packs of sixteen fluid ounce
11 containers in a single sale to one person: Provided, further,
12 That no club licensee may sell any malt or brewed beverages for
13 consumption off the premises where sold or to persons not
14 members of the club.

15 * * *

16 Section 3. This act shall take effect in 60 days.